

**Filed 3/4/05 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2005 ND 46

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State of North Dakota,

Plaintiff and Appellee

v.

Lawrence Edward Arth,

Defendant and Appellant

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No. 20040109

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Appeal from the District Court of Sargent County, Southeast Judicial District,  
the Honorable Richard W. Grosz, Judge.

AFFIRMED.

Per Curiam.

Lyle R. Bopp (on brief), State's Attorney, P.O. Box 125, Forman, ND 58032-  
0125, for plaintiff and appellee.

Lawrence Arth (on brief), pro se, P.O. Box 5521, Bismarck, ND 58506-5521,  
defendant and appellant.

**State v. Arth**

**No. 20040109**

**Per Curiam.**

[¶1] Lawrence Arth appeals the criminal judgment and sentence imposed after a jury found him guilty of violating a domestic violence protection order. The judge reviewed a psychiatric evaluation and pre-sentencing investigation report, determined Arth likely was a threat to his ex-wife's safety, and sentenced him to five years imprisonment with the last two years suspended for five years. Arth appealed, arguing the judge relied on impermissible factors during sentencing.

[¶2] We summarily affirm under N.D.R.App.P. 35.1(a)(4).

[¶3] Gerald W. VandeWalle, C.J.  
Carol Ronning Kapsner  
Mary Muehlen Maring  
William A. Neumann  
Dale V. Sandstrom